

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

	)	
Proceeding by the Department on its own Motion to	)	
Implement the Requirements of the Federal	)	
Communications Commission's Triennial Review	)	D.T.E. 03-60
Order Regarding Switching for Mass Market	)	
Customers	)	
	)	

**REBUTTAL TESTIMONY**

**(BATCH HOT CUTS)**

**VALERIE CARDWELL AND MICHAEL CLANCY ON BEHALF  
OF COVAD COMMUNICATIONS COMPANY**

**February 6, 2004**

1   **Q.   MS. CARDWELL, PLEASE STATE YOUR FULL NAME, POSITION**  
2   **EMPLOYER AND RESPONSIBILITIES.**

3   A.   My name is Valerie Cardwell, Vice President – Government and External Affairs  
4       for Covad. I act as a liaison between Covad’s business personnel and Verizon. I  
5       am also responsible for participating in various federal and state regulatory  
6       proceedings, representing Covad.

7   **Q.   PLEASE BRIEFLY OUTLINE YOUR EXPERIENCE IN THE**  
8   **TELECOMMUNICATIONS INDUSTRY.**

9   A.   Before joining Covad, I was employed by Verizon Communications for 13 years.  
10       After joining that company in 1985, I held various management positions  
11       including Assistant Manager of Central Office Operations and Manager of  
12       Installation, Maintenance and Dispatch Operations. In those positions, I oversaw  
13       the installation and maintenance of services to retail customers. Specifically, I  
14       supervised several groups that were responsible for the physical end-to-end  
15       installation of facilities and the correction of any defects or problems on the line.  
16       In 1994, I became Director of ISDN Implementation. In that position, I  
17       established work practices to ensure delivery of ISDN services to customers and  
18       to address ISDN facilities issues -- issues very similar to those encountered in the  
19       DSL arena.

20   **Q.   MR. CLANCY, PLEASE STATE YOUR FULL NAME, POSITION AND**  
21   **EMPLOYER.**

22   A.   My name is Michael Clancy, Director of Government and External Affairs for  
23       Covad.

1   **Q.   PLEASE BRIEFLY OUTLINE YOUR EXPERIENCE IN THE**  
2   **TELECOMMUNICATIONS INDUSTRY.**

3   A.   Prior to my current position, I performed customer support and operations  
4       functions for Covad's New York Tri-State region. In particular, I was responsible  
5       for building out Covad's network in New York and all other operations activities.  
6       Prior to coming to Covad, I was employed by Verizon's predecessor companies,  
7       in various Network Services, Special Services, and Engineering assignments, with  
8       increasing levels of responsibility, for over 27 years. My last assignment in  
9       Verizon New York was Director of Interoffice Facility Provisioning and Process  
10      Management for the Bell Atlantic 14-state footprint.

11   **Q.   IS THERE A NEED FOR A VOICE PLUS DATA BATCH HOT CUT**  
12   **PROCESS IN MASSACHUSETTS?**

13   A.   Yes. The rapid transition from separate, standalone voice and data services to  
14      one, singled bundled voice and data service cannot be seriously disputed. A visit  
15      today to Verizon's website (Verizon.com) makes it clear that Verizon's intention  
16      to aggressively market its bundled services to consumers has only grown stronger  
17      since its initial roll out, and has expanded to consumers across the United States.  
18      *See Verizon's website (Verizon.com),* Verizon's offer of lower DSL pricing to  
19      customers who choose the bundled *Freedom* package (\$29.95 per month for  
20      Freedom customers; \$34.95 per month for standalone service). In fact, Verizon's  
21      Initial Testimony dedicates significant discourse to "bundles of communications  
22      services." Verizon's Testimony details the competitive and economic importance

1 of telecommunications service bundles and the affect of bundles on the number  
2 of hot cuts required.

3 **Q. DOES VERIZON HAVE A VOICE PLUS DATA BATCH HOT CUT**  
4 **PROCESS IN PLACE?**

5 A. Regrettably, Verizon has not designed, implemented, and supported an adequate  
6 batch hot cut process. Verizon has not included data services in its hot cut  
7 scenarios. Verizon's processes, unfortunately, assume a homogenous customer  
8 base -- that is, a customer base in which no one wants or needs data. We know,  
9 however, that the demand for bundled voice and data services, and particularly  
10 DSL service, has skyrocketed.

11 **Q. WOULD A VOICE PLUS DATA BATCH HOT CUT PROCESS BENEFIT**  
12 **CONSUMERS?**

13 A. Yes. All customers will want a seamless migration of voice *and* data services  
14 should the need arise to convert from UNE-P line splitting to UNE-L loop  
15 splitting. Customer expectations with respect to migrating data services are the  
16 same as customer expectations regarding migrating features or functionality.  
17 UNE-P line splitting customers who find themselves involved with a conversion  
18 to UNE-L will demand, and rightfully so, to have both voice and data migrated  
19 with minimal interruption. As such, CLECs are impaired as a result of Verizon's  
20 lack of efficient line splitting migration processes. Consequently, either UNE-P  
21 must be retained in this Commonwealth because impairment so obviously exists,  
22 or Verizon should be ordered to design, implement and successfully test hot cut  
23 processes that include data services.

1       The ultimate goal of competition is to give customers choices of providers,  
2       innovative services, and competitive prices. Verizon's current "process" for  
3       UNE-P line splitting customers to UNE-L loop splitting customers ensures a  
4       difficult, if not horrific, customer service experience. Unless Verizon develops,  
5       tests, and implements a process to perform hot cuts to migrate efficiently and  
6       economically a UNE-P line splitting arrangement to a UNE-L line splitting  
7       arrangement, Covad and its voice partners are impaired without access to local  
8       switching. Accordingly, until this Department approves a hot cut and batch hot  
9       process for voice plus data loops that is sufficient to eliminate such impairment,  
10      unbundled local switching for the mass market customers cannot be eliminated as  
11      a UNE when UNE-P is used to provision a line splitting arrangement. Indeed, if  
12      the Department were to eliminate CLEC access to UNE-P before resolving all the  
13      provisioning and hot cut problems described in our testimony, CLECs' ability to  
14      provide Massachusetts consumers with competitive voice and data services would  
15      cease.

16   **Q.    IS A SINGLE LOCAL SERVICE REQUEST PROCESS NECESSARY IN**  
17   **THIS PROCESS?**

18   A.    Yes, a key issue is the availability of a single Local Service Request ("LSR")  
19       process for these orders. Importantly, Verizon's Hot Cut process uses a single  
20       LSR to generate four related Verizon service orders, including, a disconnect order  
21       and a change order. This is not the case with data services. Rather, Verizon's  
22       proposal is to have a three-step process, which, among other things, requires a  
23       separate disconnect order and an additional Line Splitting on UNE-L order

1 submitted on Access Service Requests (“ASRs”), rather than LSRs, which forces  
2 CLECs to build new systems and processes and duplicate their efforts to  
3 accomplish the same provisioning process currently used with UNE-P providers.  
4 For UNE-L Line Splitting, Verizon requires the voice and data CLECs to  
5 interconnect using Verizon’s Dedicated Transit Service (“DTS”). DTS is a  
6 special access service and involves completely different processes and OSS than  
7 Line Splitting orders in UNE-P scenarios. With DTS, Verizon requires CLECs to  
8 submit an ASR, rather than an LSR. The DTS request would connect the voice  
9 carrier’s CFA to the splitter. Moreover, before a data CLEC can submit a Line  
10 Splitting order, the corresponding voice order must already be completed by  
11 Verizon. The customer can be without data for several days during this process.

12  
13 The ASR process pushes the demand for these services to a center within Verizon  
14 that is not designed to handle the provisioning of UNE loops. Rather, Verizon’s  
15 ASR process typically manages high capacity services, such DS1 and DS3  
16 services. The agents in these centers are neither trained nor familiar with the  
17 challenges providers typically encounter while provisioning shared loop services.  
18 Verizon’s discriminatory actions not only impair a CLEC’s ability to place orders  
19 for Main Distribution Frame cross connections, as they do now, but by forcing  
20 this demand into centers that handle high capacity services, Verizon will increase  
21 the costs for itself and CLECs, will reduce Verizon’s production capability for  
22 CLEC high capacity services, and will not be able to manage commercial

1 volumes of orders to Line Split on UNE-L orders by interconnecting voice  
2 providers and data providers. This is contrary to the FCC's goals to promote  
3 facilities-based interconnection.

4

5 In addition, Verizon has yet to instruct CLECs what to submit in order to connect  
6 the splitter to the UNE Loop. Verizon's current process does not work to share a  
7 loop because it is an incomplete process and, importantly, keeps line splitting  
8 migrations out of the LSR-based hot cut process.

9 **Q. HAS VERIZON ADEQUATELY RESPONDED TO CHANGE REQUESTS**  
10 **SUBMITTED BY COVAD?**

11 A. To date, Verizon has refused to adequately respond to a Change Request  
12 submitted by Covad through Verizon's Change Management process in April  
13 2003 requesting the capability to order shared voice and data on an unbundled  
14 loop using the LSR process. Only in December of 2003 did Verizon even begin  
15 to consider Covad's request. This Department must require Verizon to allow data  
16 providers the ability to submit a single LSR for line splitting migration scenarios.  
17 Line splitting on UNE-L must be addressed in the hot cut proceedings to ensure  
18 the customer's data is not disrupted.

19 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

20 A. Yes, this concludes our testimony.